UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI-DADE DIVISION

CASE NO. 07-60399-CIV-ALTONAGA/TURNOFF

SPIRIT AIRLINES, INC.,

Plaintiff,

vs.

24/7 REAL MEDIA, INC., ADVERTISING.COM, INC. AMERICA ONLINE, INC., d/b/a AOL, BURST MEDIA CORPORATION, CARROLTON BANK, CHEAPFLIGHTS (USA), INC., ECHO TARGET, INC. HOTWIRE, INC., INTERCEPT INTERACTIVE, INC., PRICELINE.COM, LLC, RACKSPACE, LTD., SHERMANS TRAVEL, INC., SIDESTEP, INC. SMARTER LIVING, INC., ET AL.,

Defendants.

DEFENDANT SPECIFICMEDIA'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO FILE A RESPONSE TO THE COMPLAINT

Defendant, SpecificMedia, Inc. ("SpecificMedia"), hereby moves, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, for an enlargement of time in which to respond to the Complaint filed by plaintiff Spirit Airlines, Inc. ("Plaintiff" or "Spirit"). The grounds for this motion are:

1. On March 21, 2007, Plaintiff Spirit Airlines, Inc. ("Spirit") filed the above-referenced Complaint for Interpleader, which was served on Defendant SpecificMedia's agent on April 19, 2007. Thus, SpecificMedia's response to this Complaint was due on or about May 9, 2007.

Dockets.Justia.com

2. SpecificMedia, a California corporation, had to go through the process of finding counsel in Florida to represent it in this matter and, despite diligent efforts, this process took time and was not completed until May 10, 2007.

3. The undersigned counsel has only just been retained to represent SpecificMedia on this matter and has not had sufficient time to adequately consult with SpecificMedia on this matter and adequately prepare a response to the Complaint within the applicable time.

4. Accordingly, SpecificMedia requests an extension of time until May 19, 2007 to respond to the Complaint for Interpleader to ensure a proper response by SpecificMedia to the issues raised in the Complaint.

5. On May 8, 2007, SpecificMedia's counsel in California conferred with Spirit's counsel regarding this requested extension, and Spirit's counsel has agreed to this extension of time.

6. SpecificMedia respectfully requests that this Court enter an order granting an enlargement of time up to and including May 19, 2007, for SpecificMedia to respond to the Complaint for Interpleader.

7. This extension of time is not prejudicial to the parties and the undersigned counsel certifies to the Court that this motion is made in good faith and not for the purpose of undue delay.

MEMORANDUM OF LAW

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, the Court has authority to grant an extension of time for good cause. In pertinent part, Rule 6(b) provides "[w]hen by these rules . . . an act is required to be done at or within a specified time, the court for cause shown may at any time in its discretion . . . upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect . . ."

In light of the aforementioned circumstances, a sufficient showing has been made. Accordingly, the motion for an extension of time should be granted.

WHEREFORE, cause having been shown, SpecificMedia respectfully requests that the Court grant this motion and enter an order extending the time within which SpecificMedia may respond to the Complaint.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(3)

Pursuant to S.D. Fla. Local Rule 7.1(A)(3), counsel for SpecificMedia certify that they have conferred with counsel for Spirit with respect to the relief requested, and counsel for Spirit agrees to the granting of the enlargement of time to respond to the Complaint.

Respectfully submitted,

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By:**s/Craig Salner**
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COUNSEL FOR SPECIFICMEDIA, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 10, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the parties who have appeared in this action including: Anthony J. Carriulo, Berger Singerman, 350 East Las Olas Boulevard, Suite 1000, Ft. Lauderdale, FL 33301 and Connie A. Lahn and Lara O. Glaesman, Fafinski Mark & Johnson, P.A., Flagship Corporate Center, 775 Prairie Center Drive, Suite 400, Eden Prairie, MN 55344.

CLARKE SILVERGLATE & CAMPBELL

By: **s/Craig Salner**
Craig Salner